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By: _____

Kimberly Melvin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/651,824 Confirmation No.: 9381
Applicant : MAKOWER
Filed : August 29, 2003
TC/A.U. : 3731
Examiner : TRUONG, Kevin Thao

Docket No. : PA2005 DIV1
Customer No. : 28390
Title : METHODS AND APPARATUS FOR BLOCKING
FLOW THROUGH BLOOD VESSELS

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
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TERMINAL DISCLAIMER ACCOMPANYING DECLARATION
UNDER 37 C.F.R. § 1.130

Sir:

Medtronic Vascular, Inc., the 100% owner of the above-captioned United States Patent Application Serial No. 10/651,824 hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U. S. C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior United States Patent No. 6,638,293 (Makower).

Medtronic Vascular, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 15410 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

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